

ARKANSAS SUPREME COURT

No. 08-1387

FRANK WATTS II
Petitioner

v.

LARRY NORRIS, DIRECTOR,
ARKANSAS DEPARTMENT OF
CORRECTION, AND MARK CASHION,
WARDEN
Respondents

Opinion Delivered April 30, 2009

PRO SE PETITION FOR REHEARING
[CIRCUIT COURT OF CHICOT
COUNTY, CV 2007-48, HON. ROBERT
BYNUM GIBSON, JUDGE]

PETITION FOR REHEARING
TREATED AS MOTION FOR
RECONSIDERATION AND DENIED.

PER CURIAM

On March 5, 2007, petitioner Frank Watts II, a prisoner in the custody of the Arkansas Department of Correction, filed in the circuit court in the county in which he was incarcerated a pro se petition for writ of habeas corpus. He subsequently filed a motion and amended motion for “default judgment,” asking that the relief sought be granted on the ground that there had been no response filed. An order was entered November 26, 2007, granting a default judgment, but the order was set aside by the court in an order entered January 4, 2008. In a separate order, also entered on January 4, 2008, the habeas petition was dismissed. An amended order dismissing the petition was entered on January 23, 2008. Petitioner timely filed notices of appeal from the two orders that pertained to the habeas petition, but he did not tender the record to this court until December 1, 2008, which was not within ninety days of the date of the notice of appeal as required by Arkansas Rule

of Appellate Procedure–Civil 5(a). Petitioner filed in this court a motion, amended motion, and renewed motion for belated appeal. The motion, amended motion, and renewed motion all sought to lodge the record belatedly with respect to the two habeas orders and leave to proceed with a belated appeal of the January 4, 2008, order that set aside the order granting a default judgment.

As a notice of appeal was timely filed on each of the two habeas orders, we treated the motion as a motion for rule on clerk to lodge the record with respect to those orders. As to the January 4, 2008, order setting aside the default judgment, we treated the motion as a motion for belated appeal. We denied the relief requested. *Watts v. Norris*, 08-1384 (Ark. Feb. 26, 2009) (per curiam). Petitioner now brings this pro se request for rehearing of that decision, which we consider as a motion for reconsideration inasmuch as there is no provision in our rules for a petition for rehearing to be filed when a motion is denied.

In the request for reconsideration, petitioner reiterates the arguments raised in the motion, amended motion, and renewed motion for belated appeal. He does not demonstrate that there were specific errors of law or fact in the opinion.

Petition for rehearing treated as motion for reconsideration and denied.